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Nick Mitford
Clerk
Committee for the Executive Office
Parliament Buildings
Stormont
Belfast

10 December 2025

Dear Nick,

Truth Recovery – Follow-up questions from Committee session 22 October 2025 and 19 November.

Thank you for your letter dated 5 November. The Department has provided further information (**Annex 1**) in relation to the 16 areas you highlighted.

In addition, responses to a number of queries were raised during closed session on the 19 November is also provided (**Annex 2**).

Yours sincerely,

[REDACTED]
TEO Departmental Assembly Liaison Officer

INQUIRY

1. Clause 2 – To request a further definition of systemic failings.

As you will be aware, there is no definition for systemic failings in the Bill nor does ‘systemic failing’ be defined in the Interpretation Act 1954 or 1978.

As indicated in the Interpretation Act, it would therefore ‘take its ordinary meaning’ or more likely, similar to the Historical Institutional Abuse Inquiry, it would be defined by the Inquiry Chair in the early part of their work.

For information, HIA stated the following in their terms of reference: -

“The NI Executive’s Inquiry and Investigation into historical institutional abuse will examine if there were systemic failings by institutions or the state in their duties towards those children in their care between the years of 1922-1995.”

The HIA report (Appendix 1) included the following definition of systemic abuse / failings below:

“The Inquiry applied the following broad definitions when considering the evidence it gathered. These were intended to be broad, general definitions because the Inquiry did not seek to exhaustively define in advance everything that might amount to “abuse” or “systemic failings””

“A “systemic failing” by an institution consisted of either

- (a) a failure to ensure that the institution provided proper care; or*
- (b) a failure to ensure that the children would be free from abuse; or*
- (c) a failure to take all proper steps to prevent, detect and disclose abuse, or*
- (d) take appropriate steps to ensure the investigation and prosecution of criminal offences involving abuse.*

A similar to HIA approach will enable the Inquiry Chair to consider and define systemic failings for this inquiry, but tailored for the gender specific nature of this inquiry.

2. Clause 3 – To seek an overview of the criteria used when selecting prescribed institutions, beyond what is included in the Explanatory and Financial Memorandum.

Core institutions

The criteria to be used by the Executive Office to prescribe institutions in clause 3 of the Bill is whether they were known as:

- “Mother and Baby Institutions”;
- “Magdalene Laundries”;
- Workhouses as defined in the Poor Relief Acts (Northern Ireland) 1838 to 1937;

provided they operated in the period 1922 to 1995.

This would likely include most of the institutions listed in page 130 of the Truth Recovery Design Panel report and cover at least 8 Mother and Baby Institutions, 3 Madgelene Laundries and 20 Workhouses (the workhouses operated in the period up to 1948).

Pathways and practices

When Clause 2 is taken into account it means the inquiry can also determine the facts regarding prescribed institutions, public bodies or other persons involved in the admission, care or departure of a ‘relevant person’ from a prescribed institution.

This includes the placement of children, born while their mothers were under the care of the prescribed institutions, excepting a placement with a child’s biological parent. These are the “pathways and practices” of the prescribed institutions, which may include adoption agencies / organisations, “baby homes” and private nursing homes.

Other institutions

In addition, Clause 3(d) allows “other institutions” such as individual adoption organisations, “baby homes” and private nursing homes to be prescribed based on the evidence available. A key element of which would need to be a gender based focus.

Conclusion

This approach allows time for evidence from the Independent Panel and other sources to be considered and to consult with the chairperson on the list of institutions to be prescribed.

Importantly, as outlined in the public consultation, it is not the intention that the inquiry review the entire adoption or care system from 1922 to 1995 – this has not been the policy intent and would have wider implications for the focus and timeliness of the inquiry, particularly for the many Birth Mothers from institutions who have campaigned for this inquiry.

3. Clause 4 – To request the rationale for not including Birth Fathers or other siblings and to seek clarity on Clause 4(2) in relation to the phrase “for the purposes of this section”,

Birth Fathers and other siblings may have valuable evidence to provide on what happened and could provide evidence if the Chair deemed relevant to their Terms of Reference.

However, relevant persons in Clause 4 should be read with Clause 2 which requires the inquiry to determine whether there were systemic failings in the admission, care and departure of “relevant persons” while under the care of prescribed institutions.

Birth fathers or other siblings are not included in the definition of relevant persons, as defined in clause 4, as they would not have been admitted to, or been under the care of a prescribed institution.

Clarity on Clause 4(2) in relation to the phrase “for the purposes of this section”

Clause 4(2) gives the Executive Office the power to exclude certain persons from being considered “relevant persons” even if they would otherwise fall under the definition in clause 4(1), i.e. it allows regulations to specify exceptions.

Clause 4(3) allows the Executive Office to amend the definition of “relevant persons” itself.

Both clauses can only be exercised after the Executive Office has consulted the chairperson and the provisions have been approved by affirmative resolution of the Assembly.

The reason for Clause 4 (2) is a safeguard to ensure the focus of the inquiry is clear. For example, other people may have been admitted to institutions for periods of time which may not be relevant for this inquiry. It is admittedly difficult to determine the precise scenario, but it is better to have the provision and not use it, than need it and not have it.

4. Clause 5 – To request clarity on what guidance may be issued regarding the composition of the Panel, the selection of panel members, and the appointment process for members.

The Consultation Forum was consulted with regards to the appointment process and criteria to be used for the selection of a chairperson and asked to nominate candidates for consideration. In total 29 nominations were received as a result of this process. In parallel with this exercise, officials completed a desk-based research exercise and had discussions with informed sources regarding other potential candidates. This identified a further 30 candidates, bringing the candidate list to 59. This includes persons with a judicial, counsel or academic / human rights background.

An independent shortlisting panel reduced this list using the previously agreed and shared criteria: -

1. Sensitive to Issues
2. Subject Matter Experience
3. Investigatory Experience
4. Judicial / Investigative / Prosecutorial Experience
5. Objectivity
6. Impartiality

There is an ongoing process. The appointment of the chairperson will be in a designate role, in line with the recommendations of Independent Panel's interim report and will be a matter for Ministers. The chairperson designate would be consulted before any subsequent panel members were appointed, which follows the arrangements envisaged in clause 6 of the Bill.

5. Clause 7 – To request further details of what is meant by “close association”.

The meaning of the term “a close association with an interested party” as provided in the Explanatory and Financial Memorandum is: -

“close association” focuses not so much on the interests of the individual, but on the links (whether personal or professional) that the individual has. An “interested party” might be someone who could be affected by the outcome of the inquiry. For example, if an inquiry panel member was to have ties with a

witness, there might be concerns about how fairly the inquiry panel member would treat the evidence provided by that witness.

Examples of close association that might meet the above definition would be a spouse or relative of a witness, or a legal representative of someone who might benefit from any recommendations of the inquiry. As explained in the EFM, the intention of this clause is to ensure the inquiry panel behaves with integrity and impartiality and is seen to do so. It is ultimately for Ministers to decide if any close association might reasonably be considered to affect the impartiality of the panel as a whole but it would not necessarily stop an appointment provided it can be considered and / or mitigated.

6. Clause 9 – To seek further information on the Department’s plans for Assessors.

There are currently no plans for the appointment of assessors in advance of the appointment of an inquiry panel, as this would be a matter for the chairperson to consider, in line with clause 9 of the Bill.

This might arise where there may be a need for additional expertise beyond that of inquiry panel members. Assessors are usually shorter-term appointments with specific subject matter expertise i.e. may be 3 month appointment in relation to historical gender discrimination, archaeologists or historical adoption practices.

7. Clause 15 – To ask whether there are any plans to strengthen this clause to define who would be entitled to shielding procedures and who would not.

Consideration is currently being given to a number of potential amendments to the Bill, taking into account some of the concerns raised during the Committee stage of the Bill. As outlined on the 26th November, this is an area where the Department is minded to add an amendment to strengthen.

8. Clause 16 – To request an up-to-date position on discussions with the Irish Government regarding cross-border co-operation on the Inquiry, particularly in relation to all-Ireland religious institutions.

Some private records have already been provided to PRONI and Independent Panel and digitised namely Fahan in Co. Donegal given the pathways from institutions on both sides of the border.

Annex 1

Discussions are ongoing with officials of the Government of Ireland on a Memorandum of Understanding and suitable Data Sharing Agreements with the necessary authorities and bodies to facilitate access to relevant records belonging to those individuals who were transferred across the border. A particular area of interest is records held about Stamullen, Co. Meath. There may be relevant records held in GB also.

9. Clause 18 – To ask for details of any further departmental consideration of including interim Inquiry reports within the Bill.

Clause 18(3) makes provision for the chairperson to deliver an interim inquiry report to Ministers. As outlined on the 26th November, this is an area where the Department is minded to add an amendment to strengthen to support modular inquiries.

10. Clause 28 – To request the rationale for including the Commissioner for Children and Young People rather than the Commissioner for Older People.

The effect of the current consequential amendment in the Bill is to make an addition (underlined below) to Article 13(3)(a) of the Commissioner for Children and Young People (Northern Ireland) Order 2003 to the effect that: -

The Commissioner for Children and shall not conduct an investigation in respect of any action which is, or has been, the subject of (a) an inquiry under the Inquiries Act 2005 or the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013, or the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Act (Northern Ireland) 2025

Section 9 of the Commissioner for Older People Act (Northern Ireland) 2011 (the 2011 Act) already contains a similar provision (section 9(3)) whereby “The Commissioner may not conduct an investigation in respect of any action which is, or has been, the subject of a local or public inquiry”.

The Department is considering whether it is necessary to include a consequential amendment in the Bill in relation to the 2011 Act.

REDRESS

11. Clause 33 – To seek further information on whether any plans have been made for the application process.

The secondary legislation (the Regulations) will set out in detail the procedural details (such as evidential requirements and time limits) for the application process. Development of the Regulations is well advanced, and the Department hopes to be in a position to share further details with the Committee in due course. The regulations will also be subject to public consultation, and scrutiny by the Assembly.

A ‘shadow’ Redress Service has been established in the Department of Justice and considerable preparatory work on the application process is underway. This includes the ongoing development of:

- Relevant policies and procedures, such as data privacy, partnership agreements etc.
- Application form
- Applicant guidance documents
- IT system
- Support model (in collaboration with representatives from WAVE, VSS and Adopt NI).

The secretary designate of the Redress Service met with the Consultation Forum in November, with planned engagements in the new year with victims and survivors to gain their feedback and participation.

12. Clause 34 – To request the Department’s view on broadening the criteria for priority applications.

Clause 34 is drafted to allow the Redress Service flexibility in prioritisation. It requires applications from those who are terminally ill **must** be prioritised. The Redress Service **may** also decide the order in which to process applications (with due regard to age and health) and the President is likely to publish procedural guidelines on this matter.

Giving the Redress Service the ability to prioritise certain applications is an important aspect of case management as the volumes and processing times for applications is

Annex 1

hard to predict, particularly around posthumous claims. Including further categories for prioritisation in primary legislation may negatively impact the Redress Service's ability to manage its workload effectively and efficiently.

13. Clause 37 – To seek departmental assurances that future payments will be exempt from any form of taxation.

The NI Assembly cannot legislate for taxation as this is an excepted matter. The Department, however, has engaged with HMRC on this matter and we are confident that a payment from the redress scheme will not have any National Insurance, income or capital gains tax implications.

14. Clause 38 – To request the Department's view on extending the 30-day appeal window, and to ask whether consideration has been given to extending this period to 60 or 90 days.

As outlined on the 26th November, this is an area where the Department will seek to extend to 90 days.

15. Clause 42 – To ask how the Department plans to ensure that forthcoming regulations and guidance will include prior survivor consultation and be compassionate in nature.

TEO is committed to ensuring that all the work of the Truth Recovery Programme is victim-centred and trauma-informed.

As mentioned above, the regulations will be subject to public consultation, and the Secretary to the Shadow Redress Service has met the Consultation Forum in November 2025 and will engage directly with victims and survivors in the new year in the development of the application process in advance of the public consultation.

A non-judicial member, with direct experience working with victims and trauma-informed practice, will be appointed to the Redress Service and will inform their procedures and processes.

16. Clause 46 – To ask whether the Department has considered a mechanism or contingency plan for the outworkings of the Bill, should the Executive collapse.

All parties in the Executive are committed to devolution and to making the Executive work. Local Ministers and the Assembly deciding and passing key decisions in relation to the Inquiry and Redress Scheme is the best outcome for all concerned.

The Department cannot provide a definitive view on what would happen to the Bill, or in respect of its implementation once enacted, in the event of the Executive not being in place, as these would be matters for the Secretary of State.

During recent previous periods of suspension, the following occurred:

- Some key legislation affecting Northern Ireland was passed by the Westminster Parliament. This was the route taken for the Historical Institutional Abuse (Northern Ireland) Act 2019.
- During the most recent periods in which there was no Executive, the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 and the Northern Ireland (Executive Formation etc) Act 2022 included the following provision:

“the absence of Northern Ireland Ministers does not prevent a senior officer of a Northern Ireland department from exercising a function of the department [during the current period in which there is no Executive] if the officer is satisfied that it is in the public interest to exercise the function during that period.”



Committee for the Executive Office

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[REDACTED]

5 November 2025

Dear [REDACTED]

Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill – Queries following consideration of written evidence

At its meeting on 22 October 2025, the Committee for The Executive Office considered a summary of its written evidence received in relation to the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill.

Following consideration of this evidence the Committee then agreed to write to the Department to ask for clarification on the following clauses:

- Clause 2 – To request a further definition of systemic failings.
- Clause 3 – To seek an overview of the criteria used when selecting prescribed institutions, beyond what is included in the Explanatory and Financial Memorandum.
- Clause 4 – To request the rationale for not including Birth Fathers or other siblings and to seek clarity on Clause 4(2) in relation to the phrase *“for the purposes of this section”*.

- Clause 5 – To request clarity on what guidance may be issued regarding the composition of the Panel, the selection of panel members, and the appointment process for members.
- Clause 7 – To request further details of what is meant by “*close association*”.
- Clause 9 – To seek further information on the Department’s plans for Assessors.
- Clause 15 – To ask whether there are any plans to strengthen this clause to define who would be entitled to shielding procedures and who would not.
- Clause 16 – To request an up-to-date position on discussions with the Irish Government regarding cross-border co-operation on the Inquiry, particularly in relation to all-Ireland religious institutions.
- Clause 18 – To ask for details of any further departmental consideration of including interim Inquiry reports within the Bill.
- Clause 28 – To request the rationale for including the Commissioner for Children and Young People rather than the Commissioner for Older People.
- Clause 33 – To seek further information on whether any plans have been made for the application process.
- Clause 34 – To request the Department’s view on broadening the criteria for priority applications.
- Clause 37 – To seek departmental assurances that future payments will be exempt from any form of taxation.
- Clause 38 – To request the Department’s view on extending the 30-day appeal window, and to ask whether consideration has been given to extending this period to 60 or 90 days.
- Clause 42 – To ask how the Department plans to ensure that forthcoming regulations and guidance will include prior survivor consultation and be compassionate in nature.
- Clause 46 – To ask whether the Department has considered a mechanism or contingency plan for the outworkings of the Bill, should the Executive collapse.

I would appreciate a response by Wednesday 19 November 2025.

Yours sincerely

Nick Mitford
Clerk Committee for the Executive Office

RELATED CLAUSE	AREA RAISED	RESPONSE
Clause 1(2)	Time period for investigation - look at the possibility of adding closure of institution and removing 1995.	<p>The Department will consider any recommendations from the Independent Panel regarding when the last institution closed.</p> <p>The Bill as currently drafted has scope to allow the Chairperson to look at the ongoing effects after 1995 through clause 1(5). Clause 1(5) allows the inquiry to consider the effect on any person after 1995 or anything that occurred during the period (1922 – 1995) as long as it is relevant to the terms of reference.</p> <p>The Bill also provides the inquiry chair the flexibility, under Clause 18, to make any recommendations they see as relevant even if these were not required by the terms of reference.</p>
Clause 4	<p>Whether there was an initial working list for the inquiry?</p> <p>Time period for TR Independent Panel to report to the inquiry?</p>	<p>The inquiry will be informed by any recommendations made by the Independent Panel, which is scheduled to report by the end of March 2026.</p> <p>The following list was issued by the Panel on 31st July 2024, as part of their call for testimonies, with the caveat that this was not an exhaustive list.</p> <p>NB - Note this list below – does not have time periods and some were listed but with no or limited information of how they operated as Mother and Baby Institution.</p> <p><u>Mother and Baby Institutions operated by voluntary/religious bodies/charities</u></p> <ul style="list-style-type: none"> • Belfast Midnight Mission / Malone Place Rescue and Maternity Home - Malone Road, Belfast • Good Shepherd Sisters (Marianville) - 511 Ormeau Rd, Belfast • Good Shepherd Sisters (Marianvale) - 132 Armagh Rd, Newry • Hopedene Hostel - 55 Dundela Avenue

RELATED CLAUSE	AREA RAISED	RESPONSE
		<ul style="list-style-type: none"> • Kennedy House - 8 Cliftonville Ave, Belfast • Mater Dei Hostel - 298 Antrim Rd, Belfast • Thorndale House (Salvation Army) - Duncain Avenue, Belfast • Deanery Flats (Barnardo's), Windsor Avenue, Belfast. <p><u>Mother and Baby Institutions / Operated by the State / the Trusts</u></p> <ul style="list-style-type: none"> • Belfast Welfare Hostel - Lisburn Rd, Belfast • Coleraine Welfare Hostel • Mount Oriel Hostel - 4 Mount Oriel, Belfast <p><u>Magdalene Laundries</u></p> <ul style="list-style-type: none"> • Good Shepherd Sisters convent / St Mary's Home, 511 Ormeau Rd, • Good Shepherd Sisters convent / St Mary's Home, 132 Armagh Rd, Newry • Good Shepherd Sisters / St Mary's Home, Dungiven Road Derry /Londonderry <p><u>Industrial Home</u></p> <ul style="list-style-type: none"> • Salvation Army / Thorndale Industrial Home, Duncain Avenue, Belfast <p><u>Workhouses (all closed in 1948).</u></p> <p>Armagh, Ballymena, Banbridge, Belfast, Castlederg, Coleraine, Cookstown, Derry / Londonderry, Downpatrick, Dungannon, Enniskillen, Kilkeel, Larne, Limavady, Lisnaskea, Lurgan, Magherafelt, Newry, Omagh and Strabane</p> <p><u>Baby homes that received infants from Mother and Baby Institutions</u></p> <p>I. Voluntary Homes</p> <ul style="list-style-type: none"> • St Joseph's Baby Home, Belfast • Nazareth Homes, Derry / Londonderry • Nazareth House Baby Home, Portadown

RELATED CLAUSE	AREA RAISED	RESPONSE
		<ul style="list-style-type: none"> • Our Mother of Mercy Home, Newry • Dr Barnardo's, Manor House, Ballycastle • Glendhu Children's Hostel, Holywood Road, Belfast <p>II. State / Welfare Homes</p> <ul style="list-style-type: none"> • Coleshill, Enniskillen • Connywarren, Omagh • Clogrennon, Larne • DhuVarren, Portrush • Glenerye, Portadown
Clause 4(2)	Exclusion of relevant persons - further detail on why this safeguard needs to be in place.	This query has been answered as part of the response to question 3 above.
Clause 6 (1)	Each member of the Inquiry panel is to be appointed: This implies more than one member whereas Clause 5 (b) states a chairperson with one or more. Possibility of tidying this up.	<p>The Department intends to bring an amendment on Clause 5 to remove the possibility of the Chair sitting alone.</p> <p>However, Clause 6(1) refers to each member of the inquiry panel being appointed by the First Minister and deputy First Minister (this includes the Chair) – so would remain unchanged.</p>
Clause 7(1)(b)	What would eliminate an individual if there were conflicts of interests who an individual who has association with an interested party?	This query has been answered as part of the response to question 5 above.
Clause 8	Clarity on the position of the inquiry should there be no Executive in place.	This query has been answered as part of the response to question 16 above.

RELATED CLAUSE	AREA RAISED	RESPONSE
Clause 13	Evidence : How will the testimonies from previous research and the testimonies provided to the TR Independent panel shape the inquiry?	<p>Typically, an inquiry will take written statements from witnesses.</p> <p>Victims and survivors were asked when giving their testimonies to the Independent Panel if they were content that these be made available to the inquiry, and it would be for the chairperson to decide how best to utilise these.</p> <p>Witnesses may use their previous testimonies to inform these written and oral statements.</p>
Clause 17 (2)	Possibility of inclusion of Closed Material Procedure.	<p>This is under consideration and advice is being taken on whether a version of Closed Material Procedure (Justice and Security Act 2013) may be included in the Bill or secondary legislation.</p> <p>As outlined, on the 26th November we know this is an important issue and want the inquiry to have the confidence of all participants.</p>

Hi Martin,

Thanks for today.

Please see attached Hansard referred to earlier in relation to institutions post 1995.

Also, in relation to follow up points with the Committee rather than they write formally please see below:

- Clause 1 (2) – To look at the possibility of adding closure of institution and removing 1995.
- Time period for TRIP to report to the Inquiry and a list of inclusion of their potential institutions to the Inquiry.
- Clause 4 (2) – On the advice of the Chairperson possible inclusion and further detail on why this safeguard needs to be in place.
- Clause 6 (1) – Each member of the Inquiry panel is to be appointed: This implies more than one member where as Clause 5 (b) states a Chairperson with one or more. Possibility of tidying this up.
- Clause 7 (b) – What would eliminate an individual if there were conflicts of interests who an individual who has association with an interested party?
- Clause 8 – To provide clarity on this if no Executive in place.
- Clause 13 – Testimonies from previous research and TRIP testimonies: how exactly will these help shape the Inquiry?
- Clause 17 – Possibility of inclusion of Closed Material Procedure. KRW outlined to the Committee below:

A mechanism modelled on the principles of a Closed Material Procedure (CMP) could offer a more appropriate and proportionate means of addressing any sensitive material that may arise during the course of the Inquiry. Such a mechanism would preserve the Inquiry's ability to consider all relevant documentation while safeguarding the public interest. This process could be streamlined to ensure the Inquiry proceeds efficiently and without undue delay.

For the minutes we will just be saying that the Committee agreed to follow up with the Department with a number of queries in relation to Clauses 1 to 17.

Many Thanks
Sarah-Anne

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